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THE GEORGIA LEGISLATURE

LEGALLY ORGANIZED IN 1868.

HILL AND MILLER

Legally Elected.

GOV. BULLOCK'S INCONSISTENCY.

Opposes Seating Minority Candidates in 1868;

FAVORS IT NOW.

WASHINGTON, D. C.
GIBSON BROTHERS, PRINTERS.
1870.

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Hon. Lyman Trumbull,

Chairman Judiciary Committee U. S. Senate:

Sir—The following documents and facts, copied from the Journal of the Georgia House of Representatives, bearing upon the Georgia question, are respectfully submitted:

Headquarters Third Military District,
(Department of Georgia, Florida and Alabama,)
Atlanta, Georgia, *June* 25, 1868.

General Orders
No. 90.

From the returns made by the boards of registration of the election held in the State of Georgia for a governor, members of the General Assembly, and other officers, under the provisions of general orders No. 40, issued from these headquarters, which election commenced on the 20th day of April, 1868, and continued 4 days, it appears:

1. That at the said election Hon. R. B. Bullock received a majority of all the votes cast for Governor of the State of Georgia.

2. That at said election the following named persons were elected senators in the General Assembly of said State from the respective senatorial districts in which they were chosen, viz:

1st	Dist., A. A. Bradley.	23d	Dist., W. J. Anderson.
2d	" T. G. Campbell, Sr.	24th	" B. B. Hinton.
3d	" E. D. Graham.	25th	" E. J. Higbee.
4th	" J. M. Coleman.	26th	" A. D. Nunnally.
5th	" A. Corbit.	27th	" John Harris.
6th	" Joshua Griffin.	28th	" W. F. Jordan.
7th	" M. C. Smith.	29th	" Josiah Sherman.
8th	" B. F. Brutton.	30th	" J. H. McWhorter.
9th	" R. T. Nisbet.	31st	" William F. Bowers.
10th	" F. O. Welch.	32d	" Jno. C. Richardson.
11th	" C. B. Wooten.	33d	" A. M. Stringer.
12th	" C. R. Moore.	34th	" Milton A. Candler.
13th	" Wm. B. Jones.	35th	" W. T. Winn.
14th	" John J. Collier.	36th	" W. C. Smith.
15th	" W. T. McArthur.	37th	" W. W. Merrell.
16th	" H. Hicks.	38th	" Walker Brock.
17th	" McW. Hungerford.	39th	" A. W. Holcomb.
18th	" Benj. Conley.	40th	" C. J. Wellborn.
19th	" Joseph Adkins.	41st	" John Dickey.
20th	" George Wallace.	42d	" John T. Burns.
21st	" William Griffin.	43d	" Joel C. Fain.
22d	" T. J. Speer.	44th	" B. R. McCutchin.

3. That at said election the following named persons were elected representatives in the General Assembly of said State from the counties to their names respectively attached, viz:

Appling: Isham Raddish.

Baker: A. M. George. *Baldwin:* Peter O'Neal. *Banks:* William R. Bell. *Berrien:* Thomas Paulk. *Bibb:* H. M. Turner, J. Fitzpatrick, and J. E. J.

Franks. *Brooks:* W. A. Lane. *Bryant:* W. L. Houston. *Bulloch:* W. M. Hall. *Burke:* M. Claiborn, John Warren, and John A. Madden. *Butts:* T. M. Harkness.

Chatham: C. K. Osgood, James Porter, and James M. Sims. *Camden:* Virgil Hillyer. *Campbell:* W. S. Zellars. *Carroll:* John Long. *Cass,* or *Bartow:* F. M. Ford and M. J. Crawford. *Catoosa:* A. S. Fowler. *Chattahoochee:* W. A. McDougald. *Charlton:* F. M. Smith. *Chattooga:* C. C. Cleghorn. *Calhoun:* Franklin L. Pepper. *Cherokee:* N. J. Perkins. *Clarke:* Madison Davis and A. Richardson. *Clay:* R. A. Turnipseed. *Clayton:* A. E. Cloud. *Clinch:* G. Lastinger. *Columbia:* J. M. Rice and Romulus Moore. *Coffee:* J. R. Smith. *Coweta:* F. M. Scroggins and P. Sewell. *Cobb:* W. D. Anderson and N. N. Gober. *Colquitt:* W. W. Watkins. *Crawford:* W. G. Vinson.

Dade: Jas. C. Nisbet. *Dawson:* Joseph L. Perkins. *Decatur:* B. F. Powell and John Higdon. *DeKalb:* W. H. Clarke. *Dooly:* Hiram Williams. *Dougherty:* Philip Joiner and A. R. Reed.

Early: H. C. Fryer. *Echols:* R. W. Phillips. *Effingham:* Morgan Rawls. *Elbert:* U. O. Tate. *Emanuel:* J. A. Brinson.

Fannin: Alexander Hearn. *Fayette:* P. H. Brassell. *Floyd:* Dunlap Scott and M. Ballanger. *Forsyth:* H. C. Kellogg. *Franklin:* James A. Harrison. *Fulton:* E. M. Taliaferro, J. E. Gullatt and V. P. Sisson.

Gilmer: Jas. M. Ellis. *Glasscock:* J. H. Nunn. *Glynn:* R. B. Hall. *Gordon:* R. A. Donaldson. *Greene:* R. L. McWhorter and A. Colby. *Gwinnett:* Louis Nash and R. M. Parkes.

Habersham—W. S. Erwin. *Hall*—David Whelchel. *Hancock*—W. H. Harrison and E. Barnes. *Haralson*—W. N. Williams. *Hart*—James Allen. *Harris*—W. J. Hudson and Samuel Williams. *Heard*—M. Schackleford. *Henry*—J. A. Maxwell. *Houston*—J. W. Mathews, C. C. Duncan, and M. R. Felder.

Jackson—A. T. Bennett. *Jasper*—T. M. Allen. *Jefferson*—Benjamin Ayre and Alexander Stone. *Johnson*—J. W. Meadows. *Jones*—W. T. McCullough.

Laurens—George Linder. *Lee*—Samuel Lindsay and G. Page. *Liberty*—W. A. Golden. *Lincoln*—Platt Madison. *Lowndes*—John W. O'Neal. *Lumpkin*—W. P. Price.

Macon—Robert Lumpkin and F. H. Fyall. *Madison*—J. B. Moon. *Marion*—William M. Butt. *McIntosh*—T. G. Campbell, Jr. *Meriwether*—P. W. Chambers and W. H. F. Hall. *Monroe*—W. A. Ballard and G. H. Clowers. *Miller*—F. M. D. Hopkins. *Milton*—G. M. Hook. *Mitchell*—J. M. Burtz. *Montgomery*—John J. McArthur. *Morgan*—A. J. Williams and Monday Floyd. *Murray*—J. N. Harris. *Muscogee*—James G. Maull and Abraham Smith.

Newton: A. H. Lee and John F. Harden.

Oglethorpe: James W. Adkins and James Cunningham.

Paulding: S. F. Strickland. *Pickens:* S. A. Darnell. *Pierce:* R. W. Carpenter. *Pike:* R. A. Seale. *Polk:* L. H. Walthall. *Pulaski:* J. M. Buchan and S. F. Saulter. *Putnam:* S. C. Prudden.

Quitman: L. C. A. Warren.

Rabun: McKinzey Fincannon. *Randolph:* W. M. Tumlin and David Goff. *Richmond:* E. Tweedy, J. E. Bryant and T. P. Baird,

Schley: Thomas F. Rainey. *Screven:* W. D. Hamilton. *Spalding:* J. T. Ellis. *Stewart:* C. C. Humber and J. K. Barnum. *Sumter:* G. N. Harper and John A. Cobb.

Talbot: Marion Bethune and J. T. Costin. *Taliaferro:* W. F. Holden. *Tattnall:* Robert C. Surrency. *Taylor:* Frank Wilchar. *Terrell:* F. M. Harper. *Thomas:* J. R. Evans and W. C. Carson. *Towns:* George W. Johnson. *Troup:* J. H. Caldwell and J. T. McCormick. *Twiggs:* Haywood Hughes.

Union: John H. Penland. *Upson:* John C. Drake.

Walker: W. B. Gray. *Walton:* John B. Sorrels. *Warren:* John Neal and S. Gardner. *Ware:* Joseph D. Smith. *Washington:* R. W. Flournoy and William G. Brown. *Wayne:* G. W. Rumph. *Webster:* G. S. Rosser. *White:* C. H. Kytle. *Whitfield:* J. E. Shumate. *Wilcox:* Darling Johnson. *Wilkes:* Richard Bradford and E. Belcher. *Wilkinson:* C. H. Hooks. *Worth:* James M. Rouse.

By order of Major General MEADE:

R. C. DRUM,
Assistant Adjutant General.

Official:
GEO. MEADE, *A. D. C.*

The Secretary then proceeded to call the roll, when the following members elect of the house of representatives answered to their names, to wit:

A. M. George,
Peter O'Neal,
William R. Bell,
H. M. Turner,
J. Fitzpatrick,
J. E. J. Franks,
W. A. Lane,
U. L. Houston,
N. J. Perkins.
M. Davis,
A. Richardson,
R. A. Turnipseed,
A. E. Cloud,
G. Lastinger,
J. M. Rice,
Romulus Moore,
J. R. Smith,
F. M. Scroggins.
P. Sewell,
W. D. Anderson,
N. N. Gober,
W. G. Vinson,
Jas. C. Nisbet,
J. L. Perkins,
John Higdon,
W. H. Clarke,
H. Williams,
Phillip Joiner,
A. R. Read,
H. C. Fryer,
R. W. Phillips,
Morgan Rawls,
U. O. Tate,
P. H. Brassell,
Dunlap Scott,
M. Ballanger,
H. C. Kellogg,
J. A. Harrison,
E. M. Taliaferro,
J. E. Gullatt,
V. P. Sisson,
J. M. Nunn,
R. B. Hall,
R. A. Donaldson,
R. L. McWhorter,
A. Colby,
Louis Nash,
R. M. Parks,
W. S. Erwin,
David Welchell,
W. H. Harrison,
W. H. Hall,
M. Claiborn,
John Warren,
John A. Madden,
T. M. Harkness,
C. K. Osgood,
Jas. Porter,
J. M. Sims,
E. Barnes,
James Allen,
W. I. Hudson,
S. Williams,
M. Shackleford,
J. A. Maxwell,
J. W. Mathews,
C. C. Duncan,
H. R. Felder,
A. T. Bennett,
T. M. Allen,
Benjamin Ayre,
Alexander Stone,
J. W. Meadows,
W. T. McCullough,
George Linder,
Samuel Lindsay,
G. F. Page,
W. A. Golden,
Platt Madison,
John W. O'Neal,
W. P. Price,
R. Lumpkin,
F. H. Fyall,
J. B. Moon,
Wm. M. Butt,
T. G. Campbell, Jr.,
P. W. Chambers,
W. H. F. Hall,
W. A. Ballard,
G. H. Clowers,
F. M. D. Hopkins.
G. M. Hook,
J. M. Burtz,
Monday Floyd,
J. N. Harris,
James G. Maull,
Abraham Smith,
A. H. Lee,
J. F. Harden,
James W. Adkins,
J. Cunningham,
S. S. Strickland,
W. S. Zellars,
John Long,
F. M. Ford,
M. J. Crawford,
A. S. Fowler,
W. A. McDougald,
C. C. Cleghorn,
F. L. Pepper.
R. W. Carpenter,
R. A. Seale,
L. H. Walthall,
J. M. Buchan,
S. F. Saulter,
S. C. Prudden,
L. C. A. Warren,
W. M. Tumlin,
David Goff,
E. Tweedy,
J. E. Bryant,
T. P. Baird,
Thomas F. Rainey,
W. D. Hamilton,
J. T. Ellis,
C. C. Humber,
J. K. Barnum,
G. R. Harper.
John A. Cobb,
M. Bethune,
W. F. Holden,
Frank Wilchar,
F. M. Harper,
W. C. Carson,
J. H. Caldwell,
J. T. McCormick,
Haywood Hughes,
J. H. Penland,
J. C. Drake,
W. B. Gray,
J. B. Sorrels,
John Neal,
S. Gardner,
J. D. Smith,
R. W. Flournoy,
W. G. Brown,
G. S. Rosser,
C. H. Kytle,
J. E. Shumate,
D. Johnson,
E. Belcher,
C. H. Hooks,
Jas. M. Rouse.

By order of Major General MEADE:

R. C. DRUM,
Assistant Adjutant General.

Official:
GEO. MEADE, *A. D. C.*

HEADQUARTERS THIRD MILITARY DISTRICT,
(GEORGIA, FLORIDA, AND ALABAMA,)
ATLANTA, GA., *July* 8, 1868.

To His Excellency, R. B. BULLOCK,
Provisional Governor of Georgia:

GOVERNOR—I have to acknowledge the receipt of your letter of this date, advising me that you have been officially informed that the two houses of the legislature had perfected their organization, and were awaiting any communication you might have to make, and that accordingly you referred to me for instructions.

In reply, I beg leave to state that I have no instructions to give you further than to make known that, in my judgment, neither house is organized legally until they have complied with the requisitions of the reconstruction acts, and the act which became a law June 25, 1868, all of which prohibit any one holding an office under the State who is excluded by section 3 of the amendment to the Constitution known as article 14.

That this view is not a novel one with me, and does not arise from any consideration but my desire to execute the laws, will be clearly seen by reference to the accompanying order, No. 52, of April 6, 1868, in which I announce to the people of Georgia and candidates for election my views of the eligibility of candidates under the laws of Congress.

It is not my purpose to dictate to the two houses how or when they will apply this test to the several members. Ordinarily each house is undoubtedly the judge of the qualifications of its members, but in view of the fact that the legislature, until the State is admitted by compliance with the requisitions of the reconstruction acts of Congress, is only provisional, and subject to the authority of the military commander, and in view of the further fact that it is my duty, so long as military government exists, to see that the laws be faithfully executed, I feel constrained to say that I cannot recognize any act of the legislature as valid, nor allow the same to be executed, until satisfactory evidence is produced that all persons excluded by the 14th article are deprived of their seats or offices in both houses.

You have been furnished from these headquarters, for transmission to the respective houses, the documents in the cases of several members whose seats are contested on this ground, and there is doubtless other information upon the same subject.

My only object now is that you may communicate these views to both houses, leaving to each to take such action as it may deem suitable and proper.

Very respectfully, your obedient servant,

GEO. G. MEADE,
Major General, Commanding.

OFFICE OF PROVISIONAL GOVERNOR,
ATLANTA, GEORGIA, *July* 21, 1868.

Hon. R. B. BULLOCK, *Provisional Governor of Georgia:*

The following communication from the Commanding General of this District is respectfully transmitted for the information of the General Assembly:

HEADQUARTERS THIRD MILITARY DISTRICT,
DEPARTMENT OF GEORGIA, FLORIDA, AND ALABAMA,
ATLANTA, GEORGIA, *July* 20, 1868.

Hon. R. B. BULLOCK, *Provisional Governor of Georgia:*

I have the honor to acknowledge the receipt of your letter of the 18th instant, advising me that a committee of the house of representatives had waited on you, and verbally informed you that the house having made a careful investigation into the eligibility of its members, have decided by a vote of the house that all persons now in their seats are eligible.

I have already acknowledged the receipt of your letter of the 17th, reporting the action of the senate on the same subject.

I have now to advise and instruct you that each house, having complied with the requisitions of my communication of the 8th inst., by examining into and deciding on the eligibility of their members, under the acts of Congress, and 14th

article, constitutional amendments, I have no further opposition to make to their proceeding to the business for which they were called together, as I consider them legally organized from the 18th instant, the date of the action of the House.

Very respectfully, your obedient servant,

GEO. G. MEADE,
Major General U. S. A.

By the provision of the act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, to representation in Congress," passed June 25, 1868, you are required to duly ratify the amendment to the Constitution proposed by the 39th Congress, and known as article 14, and by solemn public act declare the assent of the State to that portion of the act of Congress which makes null and void the first and third subdivisions of section 17 of the fifth article of the State constitution, except the proviso to the first subdivision, before the State shall be entitled and admitted to representation in Congress as a State of the Union.

Copies of the said act of Congress, and of the said proposed amendment to the Constitution, are herewith transmitted.

RUFUS B. BULLOCK,
Provisional Governor.

JULY 21, 1868—4 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Bethune, as chairman of the committee appointed to wait upon his Excellency, the Governor, submitted the following report:

Mr. Speaker: As chairman of the committee appointed by this house, to join such committee as the senate might create, to wait upon his Excellency, R. B. Bullock, Provisional Governor of this State, and inform him of the adoption of the amendment to the Constitution of the United States, proposed by the 39th Congress, and known as Article 14, and that the General Assembly of this State had declared its assent to the fundamental conditions annexed thereto by an act of Congress, and to inform him that both houses of the General Assembly are ready to inaugurate the Governor elect of this State, at such time as he may designate.

I have the honor to report that your committee, having joined a similar committee appointed by the Senate, have performed the duty assigned them, by communicating the action of the General Assembly, as stated in the resolution under which they were appointed, to his Excellency, R. B. Bullock, Provisional Governor, who expressed great satisfaction, and stated that he would immediately inform the Commanding General of this, the third, military District, of the information thus received by him, and that if it met the approbation of both houses of the General Assembly it was the pleasure of the Governor elect to meet them in this hall on Wednesday, the 22d inst., at 12 o'clock M., then and there to be inaugurated as the Governor of Georgia.

All of which is respectfully submitted.

MARION BETHUNE, *Chairman.*

JULY 22, 1868—11½ o'clock, A. M.

The house reassembled.

Mr. Hudson, of Harris, offered the following resolution, which, on motion, was taken up, read and adopted, to wit:

Resolved, That the clerk be directed to inform the senate that the house is now ready to proceed with the inauguration of the Governor elect.

The senate, together with the Governor elect, General Meade and staff, and other distinguished gentlemen, attended in the representative hall, and the hour of 12 o'clock M. having arrived, the Hon. R. B. Bullock, Governor elect, proceeded to address the General Assembly.

At the close of which, the oath of office was administered to him by the Hon. John Erskine, judge of the United States district court; and he was declared the Governor of the State of Georgia for the ensuing four years.

On motion, the senate repaired to their chamber, and the house adjourned until 10 o'clock A. M., Friday next.

WEDNESDAY, *July* 29, 1868—12 M.

The senate then attended in the hall of the house of representatives, when the General Assembly proceeded to consolidate the vote of the two houses cast on yesterday for a United States Senator, for the term ending in the year 1873, and on consolidating the same, it appeared that the—

Hon. Joseph E. Brown had received	102	votes.
Hon. A. H. Stephens "	96	"
Hon. Joshua Hill "	13	"
C. H. Hopkins "	1	"

No person having received a majority of the whole number of votes polled by the two houses as consolidated, for United States Senator for the term ending in the year 1873, the General Assembly proceeded with a joint vote for United States Senator for said term, the members voting *viva voce*, when, on receiving and adding up the vote, it appeared that the—

Hon. Joshua Hill had received	110	votes.
Hon. Joseph E. Brown "	94	"
Hon. A. H. Stephens "	1	"
Hon. C. W. Styles "	1	"

Those voting for Mr. Hill are Messrs.—

SENATORS.

Anderson,	Hicks,	Nisbet,
Bowers,	Hinton,	Nunnally,
Burns,	Holcombe,	Sherman,
Candler,	Jordan,	Smith, (7th Dis.)
Dickey,	McArthur,	Stringer,
Fain,	McCutchen,	Welbourne,
Griffin, (6th Dist.)	Moore,	Wooten.

Those voting for Mr. Brown are Messrs.—

Adkins,	Corbitt,	McWhorter,
Brock,	Griffin, (31st Dist.)	Richardson,
Bruton,	Harris,	Smith, (36th Dis.)
Bradley,	Higbee,	Speer,
Campbell,	Hungerford.	Wallace,
Colman,	Jones,	Welch.
Conley,	Merrill,	

Voting for Mr. Styles—Graham.

Those voting for Mr. Hill are Messrs.—

REPRESENTATIVES.

Anderson,	Flournoy,	Kellogg,
Ballard,	Fowler,	Kytle,
Ballanger,	Fryer,	Lane,
Barnum,	George,	Lastinger,
Bradford,	Gober,	Long,
Brown,	Goff,	McArthur,
Burtz,	Gray,	McCullough,
Butt,	Gullatt,	McDougald,
Clarke,	Hall, of Bulloch,	Matthews,
Cleghorn,	Hall, of Glynn,	Meadows,
Cloud,	Harkness,	Nash,
Cobb,	Harrison, of Franklin,	Neal,
Crawford,	Harris,	Nisbet,
Drake,	Harper, of Sumter,	Nunn,
Donaldson,	Harper, of Terrell,	Osgood,
Duncan,	Higdon,	Parke,
Ellis, of Gilmer,	Holden,	Paulk,
Ellis, of Spaulding,	Hook,	Penland,
Erwin,	Hudson,	Pepper,
Felder,	Humber,	Perkins, of Cherokee,
Fincanon,	Johnson, of Wilcox,	Phillips,

Powell,
Price,
Prudden,
Rainey,
Rawls,
Rosser,
Rouse,
Rumph,
Scott,
Seales,
Shackleford,
Shumate,
Sisson,
Smith, of Ware,
Sorrells,
Taliaferro,
Tate,
Tumlin,
Turnipseed,
Vinson,
Walthal,
Warren, of Quitman,
Watkins,
Wilcher,
Williams, of Dooly,
Williams, of Morgan.

Those voting for Mr. Brown, are Messrs.—

Allen, of Hart,
Allen, of Jasper,
Atkins,
Ayer,
Barnes,
Beard,
Belcher,
Bell,
Bethune,
Brassell,
Bryant,
Buchan,
Caldwell,
Campbell,
Carpenter,
Carson,
Chambers,
Claiborne,
Clower,
Costin,
Cunningham,
Darnell,
Davis,
Fitzpatrick,
Floyd,
Ford,
Franks,
Fyall,
Gardner,
Golden,
Hall, of Meriwether,
Harrison, of Hancock,
Harden,
Hillyer,
Hooks,
Hopkins,
Houston,
Hughes,
Joiner,
Johnson, of Towns,
Lee,
Linder,
Lumpkin,
McCormick,
Madden,
Madison,
Maxwell,
Maull,
Moore,
O'Neal, of Lowndes,
O'Niel, of Baldwin,
Page,
Perkins, of Dawson,
Porter,
Read,
Rice,
Richardson,
Salter,
Scroggins,
Sewell,
Sims,
Smith, of Charlton,
Smith, of Muscogee,
Stone,
Strickland,
Surrency,
Turner,
Tweedy,
Warren, of Burke,
Welchel,
Williams, of Harris,
Williams, of Haralson,
Zellars,
Mr. Speaker.

Voting for Mr. Stephens: Mr. Hamilton.

Total vote, 206; necessary to a choice, 104.

The Hon. Joshua Hill having received a majority of the whole number of votes cast, he was declared duly elected United States Senator for the term ending in the year 1873.

The General Assembly then proceeded to consolidate the vote of the two houses cast on yesterday for a United States Senator, for the term ending in the year 1871, and on consolidating the same, it appeared that the—

Hon. Foster Blodgett had received	73	votes.
Hon. H. V. M. Miller "	93	"
Hon. J. L. Seward "	17	"
Hon. A. T. Akerman "	22	"
Hon. H. G. Cole, "	2	"
Hon. H. V. Johnson "	1	"
Hon. Joshua Hill "	1	"

No person having received a majority of the whole number of votes polled, as consolidated, for United States Senator for the term ending in the year 1871, the General Assemby proceeded with a joint vote for a United States Senator for said term, the members voting *viva voce*, when on receiving and adding up the vote, it appeared that the

Hon. Foster Blodgett had received	73	votes.
Hon. H. V. M. Miller, "	117	"
Hon. J. L. Seward, "	12	"
Hon. A. T. Akerman, "	7	"

Those voting for Mr. Miller, are Messrs.—

SENATORS.

Anderson,	Hinton,	Smith, (36th Dist.)
Burns,	Holcombe,	Speer,
Candler,	Jordan,	Stringer,
Fain,	McCutchen,	Wellborn,
Graham,	Moore,	Winn,
Griffin, (21st dist.)	Nisbet,	Wooten.
Hicks,	Nunnally,	

Those voting for Mr. Blodgett, are Messrs.—

Adkins,	Corbitt,	Merrill,
Bradley,	Dickey,	McWhorter,
Campbell,	Harris,	Richardson,
Coleman,	Hungerford,	Wallace,
Conley,	Jones,	Welch.

Those voting for Mr. Seward, are Messrs.—

Bruton,	McArthur,	Smith, (7th District.)
Griffin, (6th District.)		

Those voting for Mr. Akerman, are Messrs.—

Bowers,	Higbee,	Sherman.

Those who voted for Mr. Miller, are Messrs.—

REPRESENTATIVES.

Anderson,	Hall, of Bulloch,	Phillips,
Allen, of Hart,	Hall, of Glynn,	Price,
Atkins,	Hamilton,	Prudden,
Ballard,	Harkness,	Rainey,
Ballanger,	Harrison, of Franklin,	Rawls,
Barnum,	Harris,	Reddish,
Bradford,	Harper, of Sumter,	Rosser,
Brassell,	Harper, of Terrell,	Rouse,
Brown,	Higdon,	Rumph,
Burtz,	Hook,	Salter,
Butt,	Hopkins,	Scott,
Clarke,	Hudson,	Seales,
Cleghorn,	Humber,	Sewell,
Cloud,	Johnson, of Wilcox,	Shackleford,
Cobb,	Kellogg,	Shumate,
Crawford,	Kytle,	Sisson,
Costin,	Lindsay,	Smith, of Coffee,
Drake,	Long,	Smith, of Ware,
Donaldson,	McArthur,	Sorrells,
Duncan,	McCullough,	Surrency,
Ellis, of Spaulding,	McDougald,	Taliaferro,
Erwin,	Matthews,	Tate,
Felder,	Maxwell,	Tumlin,
Fincanon,	Meadows,	Turnipseed,
Flournoy,	Nash,	Vinson,
Ford,	Nisbet,	Walthal,
Fowler,	Nunn,	Warren, of Quitman,
Fryer,	Parke,	Welchel,
George,	Paulk,	Wilcher,
Gober,	Penland,	Williams, of Dooly,
Goff,	Pepper,	Williams, of Morgan,
Gray,	Perkins, of Cherokee,	Zellers.
Gullatt,		

Those who voted for Mr. Blodgett, are Messrs.—

Allen, of Jasper,	Golden,	Neal,
Ayer,	Hall, of Meriwether,	O'Neal, of Lowndes,
Barnes,	Haren,	O'Niel, of Baldwin,
Beard,	Harrison, of Hancock,	Osgood,
Belcher,	Harden,	Perkins, of Dawson,
Bell,	Hillyer,	Porter,
Bethune,	Holden,	Read,
Campbell,	Hooks,	Rice,
Chambers,	Houston,	Richardson,
Claiborne,	Hughes,	Scroggins,
Clower,	Joiner,	Sims,
Colby,	Lee,	Smith, of Charlton,
Cunningham,	Linder,	Smith, of Muscogee,
Darnell,	Lumpkin,	Stone,
Davis,	McCormick,	Strickland,
Fitzpatrick,	Madden,	Turner,
Floyd,	Madison,	Tweedy,
Franks,	Maull,	Warren, of Burke,
Fyall,	Moore,	Williams, of Harris.
Gardner,		

Those who voted for Mr. Seward, are Messrs.—

Carson,	Lane,	Watkins,
Ellis, of Gilmer,	Lastinger,	Williams, of Haralson.
Johnson, of Towns,	Page,	

Those who voted for Mr. Akerman are Messrs.—

Bryant,	Caldwell,	Carpenter.
Buchan.		

The honorable H. V. M. Miller, having received a majority of the whole number of votes polled, he was declared duly elected United States Senator for the term ending in the year 1871.

On motion, the senate repaired to their chamber, and the house adjourned until 10 o'clock to-morrow morning.

The following is an extract from the journal of the house of representatives of July 24, 1868, page 60:

The following message was this day received from his Excellency, the Governor, through his secretary, Mr. Davis:

Mr. Speaker: I am directed by his Excellency, the Governor, to deliver to the house of representatives his annual message, with accompanying documents.

On motion of Mr. Holden, of Taliaferro, the message from his Excellency, the Governor, was taken up and read, and is as follows:

Senators and Representatives: Congratulating you as the representatives of the people upon the establishment of civil government, and the fact that Georgia is once more an integral portion of our national unity, &c.

* * * * * * * * *

Extract from the proceedings of the house of representatives, September 9th, 1868, pages 294, 296, 297, 301, 302:

The following message was received from his Excellency, the Governor, by Mr. de Graffenried, his secretary, to wit:

Mr. Speaker: I am directed by the Governor to deliver to the house of representatives a communication in writing.

On motion, the communication was taken up and read, and is as follows :

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, *September* 8, 1868.

To the House of Representatives : Your committee, to whom was referred the subject of the "election and eligibility of persons claiming seats" in your body, in the places of the twenty-five members by you declared ineligible upon account of color, called upon me and presented me with a report of the action of your body on the subject of such alleged ineligibility, setting forth that certain "free persons of color therein named," from the counties mentioned, "are, under the constitution of the State of Georgia, ineligible to seats on the floor of your house, and further appointing a committee, to whom shall be referred the election and eligibility of persons claiming seats from the aforesaid counties." This report is as follows :

Whereas, Abram Smith, of the county of Muscogee, has been declared ineligible to a seat on the floor ; *And whereas*, Thomas W. Grimes, Jr., of said county, received the next highest number of votes cast in said county at the last election for representatives in the General Assembly of the State ;

Be it resolved, That the said Thomas W. Grimes, Jr., be declared a member of this body, and that the proper officer proceed immediately to swear him in.

McDOUGALD, *of Chattahoochee.*

* * * * * * * * *

While thus complying with the request of your committee, I deem it my duty to say that, when inaugurated as Governor of this State, in presence of the General Assembly, I took a solemn oath that, to the best of my ability, I would *preserve, protect,* and *defend* the constitution. And though I am only able, on this occasion, to *defend* the constitution by expressing a respectful objection to the action already taken, as well as that about to be taken by the house of representatives, in connection with the report above given, a due regard for my official oath will not permit me to remain a silent spectator of the attempt thus made to deprive the electors of many counties in the State of their constitutional right to the voice and vote in your deliberations of their chosen representatives, and the placing in their stead of persons who did not and cannot receive a majority of those counties.

It must be apparent to the mind of every person not blinded by prejudice, after fairly viewing our situation in the late past, and our present civil government, that such action is a violation of the constitution, which you and I have sworn to support.

* * * * * * * * *

If such authority is not found in this constitution, it can only be derived from the unlawful exercise of power.

The only limitation upon the eligibility of an elector to office, or to membership of the General Assembly, is found in the following provisions of the constitution of this State, and of the United States, namely :

* * * * * * * * *

Each house is the judge *only as to whether its members are qualified according to the provisions of the constitution,* and of the laws made in pursuance thereof ; but the house certainly shall not judge members to be ineligible or disqualified because their political sentiments or the color of their skin is not acceptable to the majority ; nor shall they, in case there be a doubt as to the legitimacy of such an act, place the weight of that doubt *against the persons on trial.*

Having first silenced, *en masse*, the votes of twenty-five of your members, and then by resolution, in defiance of the constitution, declared them ineligible, you now propose to fill their places by citizens who failed to receive a majority of the votes in their respective counties.

Is that a republican form of government, where a minority of electors rule ?

* * * * * * * * *

RUFUS B. BULLOCH, *Governor.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 12, 1870.

General Orders No. 1.

A sub-district, to consist of the counties of Warren, Taliaferro, Wilkes, Lincoln, Columbia and Glascock, in Georgia, is hereby constituted, and Brevet Major Jacob Kline, Captain 18th U. S. Infantry, is assigned to its command, with headquarters at Barnett Station, Warren county.

Brevet Major Kline will be held responsible for the preservation of order within the limits of the sub-district, and will promptly arrest all persons who may commit or have committed acts of violence or lawlessness, or in any manner disturbed the public peace, holding them subject to instructions from these headquarters, and reporting in each case his action by mail or telegraph, as occasion may require; he will report also the name of any civil officer who may neglect or refuse to discharge his duty in maintaining the public peace, and will recommend a suitable person to fill his place.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

Official:
R. P. HUGHES, *A. A. A. G.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 12, 1870.

General Orders No. 2.

I. John Raley, now holding and exercising the functions of the office of sheriff of Warren county under appointment from the court of ordinary of that county, is hereby removed from said office.

II. John C. Norris, of Warren county, who was elected as sheriff at the last legal election for that office, is hereby appointed sheriff *vice* Raley, removed, and will immediately enter upon the exercise of his office.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

Official:
R. P. HUGHES, *A. A. A. G.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 13, 1870.

General Orders No. 3.

In pursuance of instructions received from the headquarters of the army, a board is hereby appointed to inquire into the eligibility of W. T. Winn, of Cobb county, John J. Collier, of Dooly county, A. W. Holcomb, of Milton county, W. J. Anderson, of Houston county, B. B. Hinton, of Marion county, and C. J. Welborn, of Union county, to seats in the legislature of Georgia, under the Reconstruction Acts.

The board will meet and organize at once, and will have power to administer oaths and send for persons and papers. They will permit the persons whose eligibility is in question to appear before them either in person or by attorney, and will also permit the appearance before them of persons who deny the eligibility of said W. T. Winn, J. J. Collier, A. W. Holcomb, W. J. Anderson, B. B. Hinton, and C. J. Welborn.

The board will keep a complete and accurate record of the proceedings and of all testimony which may be given before them, and will transmit the same to these headquarters with its report.

DETAIL FOR THE BOARD.

Brevet Major General T. H. Ruger, U. S. Army.
Brevet Brigadier General T. J. Haynes, U. S. Army.
Major Henry Goodfellow, Judge Advocate U. S. Army.

By order of Brevet Major General Terry:

Official:
R. P. HUGHES, *A. A. A. G.*

J. H. TAYLOR, *Assistant Adjutant General.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 15, 1870.

General Orders No. 4.

The board of officers convened by General Orders No. 3, current series from these headquarters, is hereby directed, in addition to the duty assigned to them by that order, to inquire into the eligibility under the reconstruction acts of the following named members elect of the house of representatives, viz :

Isham Raddish, of Appling county.
R. W. Phillips, of Echols county.
E. M. Taliaferro, of Fulton county.
J. H. Nunn, of Glascock county.
R. A. Donaldson, of Gordon county.
W. P. Price, of Lumpkin county.
J. N. Harris, of Murray county.
L. H. Walthall, of Polk county.
L. C. A. Warren, of Quitman county.
Thos. F. Rainey, of Schley county.
C. C. Humber, of Stewart county.
G. N. Harper, of Sumpter.
Frank Wilchar, of Taylor county.
John B. Sorrells, of Walton county.
J. D. Smith, of Ware county.

By order of Brevet Major General Terry :

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GA., *January* 15, 1870.

General Orders No. 5.

The sub-district created by General Orders No. 1, current series from these headquarters, is hereby extended to include the county of Hancock, Georgia.

The commanding officer at Sparta will report by letter to the commanding officer of the sub-district accordingly.

By order of Brevet Major General Terry :

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GA., *January* 17, 1870.

General Orders No. 6.

Brevet Lieutenant Colonel E. W. Smith, Captain U. S. Army, is hereby announced as secretary of civil affairs for the Military District of Georgia.

By order of Brevet Major General Terry :

J. H. TAYLOR,
Assistant Adjutant General.

Official :
R. P. HUGHES, *A. A. A. G.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 24, 1870.

General Orders No. 7.

The sub-district created by General Orders No. 1, current series, from these Headquarters, is hereby so extended as to include the counties of Oglethorpe and Elbert, Georgia.

By order of Brevet Major General Terry :

Official : J. H. TAYLOR, *Assistant Adjutant General.*
R. P. HUGHES, *A. A. A. G.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 25, 1870.

General Orders, No. 8.

I. The sub-district constituted by General Orders No. 1, headquarters military

district of Georgia, current series, will hereafter be known and designated as the First Sub-District of Georgia.

II. On the recommendation of the Hon. Amos T. Akerman, and on his assurance that during the past few weeks there has been manifest improvement in Elbert county, Georgia, as regards peace, good order, and quiet, so much of General Orders No. 7, current series, from these headquarters, as includes said county in the sub-district of Georgia, is hereby suspended.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 25, 1870.

General Orders No. 9.

Whereas the board convened by General Orders No. 3, current series from these headquarters, consisting of Brevet Major General T. H. Ruger, Colonel 18th U. S. Infantry; Brevet Brigadier General T. J. Haines, Commissary of Subsistence, and Major Henry Goodfellow, Judge Advocate U. S. Army, has made its report in writing, by which it appears that R. A. Donaldson, of Gordon county; E. M. Taliaferro, of Fulton county, and J. H. Nunn, of Glascock county, members elect of the house of representatives of Georgia, are not eligible to seats therein under the laws of the United States; therefore it is hereby ordered that the said R. A. Donaldson, E. M. Taliaferro, and J. H. Nunn be, and they hereby are, prohibited from taking part in the organization of said house, or from attempting to exercise the functions of a member thereof.

And whereas the said board have found that Thomas F. Rainey of Schley county, J. N. Harris of Murray county, R. W. Phillips of Echols county, L. C. A. Warren of Quitman county, Joseph D. Smith of Ware county, W. P. Price of Lumpkin county, J. B. Sorrells of Walton county, G. N. Harper of Sumter county, C. C. Humber of Stewart county, L. H. Walthall of Polk county, and Isham Raddish of Appling county, are eligible to seats in the said house under the laws of the United States, no objections will be made to their participating as members in the organization of the house.

And whereas it appears that Frank Wilchar, of Taylor county, has, since the commencement of the session of the board, been and is now reported to be absent from the city, so that the board has not been able to determine in his case: It is therefore ordered that the said board still hold his case under consideration, and that in the meantime, and until his case be heard and determined, said Wilchar be prohibited from taking part in the organization or participating in the proceedings of the house.

And whereas J. B. Burtz, of Mitchell county; J. A. Brinson, of Emanuel county; A. T. Bennett, of Jackson county; A. M. George, of Baker county; David Goff, of Randolph county; William J. Hudson, of Harris county; D. Johnson, of Wilcox county; Henry C. Kellogg, of Forsyth county; J. W. Meadows, of Johnson county; J. H. Penland, of Union county; Robert C. Surrency, of Tatnall county; J. R. Smith, of Coffee county; Hiram Williams, of Dooly county; John C. Drake, of Upson county; J. T. Ellis, of Spalding county; J. M. Rouse, of Worth county, persons elected to said house, have refused, declined, neglected, or been unable to take one of the oaths prescribed by the act of December 22, 1869, although ample opportunity so to do has been given them, and have thus, by the terms of said act, become ineligible to seats in said house, and have also filed with the Hon. R. B. Bullock, Governor, their applications to the Congress of the United States for relief from their disabilities, thus admitting their ineligibility to hold the offices to which they were elected: It is therefore ordered that the said persons be, and they hereby are, prohibited from taking seats in said house, or participating in the organization or proceedings thereof.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *Jan.* 25, 1870.

General Orders No. 10.

At the meeting of the house of representatives at 10 o'clock to-morrow, Wednesday, the 26th inst., the clerk *pro tem.*, Hon. A. L. Harris, will call the house to order, and give to any member elect who has not already qualified an opportunity to take one of the oaths prescribed by the act of December 22, 1869. He will not, however, permit those persons to take the oath who are mentioned in general orders No. 9, current series from these headquarters, as having refused, declined, neglected, or been unable to take one of the said oaths, and as having filed their applications to be relieved from their disabilities.

After such opportunity has been given, the clerk *pro tem.* will announce that the first business in order is the election of a speaker, and will proceed to an election in the usual manner, omitting in calling the roll the names of R. A. Donaldson of Gordon county, E. M. Taliaferro of Fulton county, J. H. Nunn of Glascock county, Frank Wilchar of Taylor county, J. B. Burtz of Mitchell county, J. A. Brinson of Emanuel county, A. T. Bennett of Jackson county, A. M. George of Baker county, David Goff of Randolph county, William J. Hudson of Harris county, D. Johnson of Wilcox county, Henry C. Kellogg of Forsyth county, J. W. Meadows of Johnson county, J. H. Penland of Union county, Robert C. Surrency of Tatnall county, J. R. Smith of Coffee county, Hiram Williams of Dooly county, John C. Drake of Upson county, J. T. Ellis of Spalding county, and J. M. Rouse of Worth county.

During the election, the clerk *pro tem.* will preside. As soon as a speaker shall have been chosen, the clerk *pro tem.* will vacate the chair.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 28, 1870.

General Orders No. 11.

Upon the evidence and arguments submitted to the board of officers appointed by General Orders No. 3, current series, from these headquarters, the Brevet Major General commanding finds that W. T. Winn, of Cobb county, and W. J. Anderson, of Houston county, who were elected to the senate of Georgia, are ineligible to seats therein: It is therefore ordered that he said W. T. Winn and W. J. Anderson be, and they hereby are, forbidden to assume the duties or exercise functions of members of said senate.

And whereas E. D. Graham of the 3d district, and C. R. Moore, of the 12th district, persons elected to the senate of Georgia, have refused, declined, or neglected, or been able to take one of the oaths prescribed by the act of December 22d, 1869, although ample opportunity so to do has been given them, and have thus by the terms of the said act become ineligible to seats in said senate, and have also filed with the Hon. R. B. Bullock, Governor, their applications to the Congress of the United States for relief from their disabilities, thus admitting their ineligibility to hold the office to which they were elected: It is therefore ordered that the said persons be, and they hereby are, prohibited from taking seats in said senate, or participating in the proceedings thereof.

And whereas, John J. Collier, of the 14th district, a person elected to the senate of Georgia, after having taken one of the oaths prescribed by the act of December 22d, 1869, did afterwards apply to the secretary of State for permission to withdraw said oath, and has also filed with the Hon. R. B. Bullock, Governor, his application to the Congress of the United States for relief from his disabilities, thus admitting his ineligibility to hold the office to which he was elected: It is therefore ordered that the said person be, and he hereby is, prohibited from taking his seat in the said senate, or participating in the proceedings thereof.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

Official:
R. P. HUGHES, *A. A. A. G.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GA., *January* 30, 1870.

General Orders No. 12.

It is hereby ordered that all proceedings instituted against the following United States revenue officers of second district of Georgia, N. Sellers Hill, deputy collector, John W. Scott, assistant assessor, and H. W. Jones, assistant assessor, at the instance of Thomas Moore, of Spalding county, Georgia, cease: It is further ordered that the sheriff and other civil officers of said county refrain from throwing any obstruction in any shape or manner in the way of such, or other officers of the same service whilst in the performance of their legitimate duty.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

Official:
R. P. HUGHES, *A. A. A. G.*

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *January* 31, 1870.

General Orders No. 13.

Whereas, by the terms of General Orders No. 9, current series, from these headquarters, A. T. Bennett, of Jackson county, was declared to be ineligible to a seat in the house of representatives of Georgia; and whereas it appears that it is doubtful whether the name of A. J. Bennett, of said Jackson county, which appears in the list of persons relieved by the act of Congress from their disabilities, was not intended to be A. T. Bennett: Therefore ordered, that said Order No. 9, as far as it applies to said A. T. Bennett, be, and the same hereby is, revoked.

Whereas, the application for an investigation into the eligibility of Mr. Frank Wilchar, of Taylor county, to a seat in the house of representatives, has now been withdrawn: Therefore ordered, that the Board convened by General Orders No. 3, current series, from these Headquarters, be and it hereby is, discharged from further consideration of his case, and so much of General Orders No. 9, current series, as relates to him, is hereby revoked.

By order of Brevet Major General Terry:

J. H. TAYLOR, *Assistant Adjutant General.*

HEADQUARTERS, MILITARY DISTRICT OF GEORGIA,
ATLANTA, GEORGIA, *February* 5, 1870.

General Orders No. 14.

I. An indictment having been found by the grand jury of the county against Enoch G. Grambling, now holding and exercising the functions of the office of sheriff of Cherokee county, Georgia, for "voluntarily permitting" the escape of certain prisoners duly arrested and committed to his custody, he, Enoch J. Grambling, is hereby removed from said office.

II. John B. Garrison is hereby appointed sheriff of Cherokee county, vice Grambling, removed, and will immediately enter upon the exercise of his office.

By order of Brevet Major General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

Official:
R. P. HUGHES, *A. A. A. G.*

From the foregoing orders, it appears that the following-named persons were prohibited from exercising the functions of members of the General Assembly convened in pursuance of an act of Congress approved December , 1869, viz: W. T. Winn, W. J. Anderson, E. D. Graham, C. R. Moore, John J. Collier, of the senate; R. A. Donaldson, E. M. Taliaferro, J. H. Nunn, Frank Wilcher, J. B. Burtz, J. A. Brin-

son, A. T. Bennett, A. M. George, David Goff, W. J. Hudson, D. Johnson, H. C. Kellogg, J. W. Meadows, J. H. Penland, Rob. C. Surrency, J. R. Smith, Hiram Williams, John C. Drake, J. T. Ellis, J. M. Rouse, of the house.

By General Order, Number 13, A. T. Bennett and Frank Wilcher were pronounced qualified, making total number declared ineligible, in the senate, 5, in the house, 18 ; total, 23. (In addition to the above, A. A. Bradley, one of the senators elect, was declared ineligible by the senate, under the constitution of the State of Georgia, upon the ground that he was a convicted felon.) Of these, 2 in the senate, C. R. Moore and W. J. Anderson, voted for Mr. Hill, and 16 in the house, namely: R. A. Donaldson, E. M. Taliaferro, J. H. Nunn, J. B. Burtz, M. A. George, David Goff, W. H. Hudson, D. Johnson, H. C. Kellogg, J. W. Meadows, J. H. Penland, J. B. Smith, H. Williams, John C. Drake, J. T. Ellis, J. M. Rouse.

Of the ineligible who voted for Jos. E. Brown, are two—A. A. Bradley in the senate, R. C. Surrency in the house. The vote for Mr. Styles (E. D. Graham) was also ineligible.

Of the persons declared ineligible, as above, in the election for senator, term ending March 4, 1871, the following voted for Mr. Miller: W. T. Winn, W. J. Anderson, E. D. Graham, C. R. Moore, of the senate: A. R. Donaldson, E. M. Taliaferro, J. H. Nunn, J. B. Burtz, A. M. George, David Goff, W. J. Hudson, D. Johnson, H. C. Kellogg, J. W. Meadows, J. H. Penland, R. C. Surrency, J. R. Smith, Hiram Williams, J. C. Drake, J. T. Ellis, J. M. Rouse—making total in senate and house 21. A. A. Bradley voted for Mr. Blodgett.

Strike off the votes of the persons declared ineligible, the tabular statement would stand thus: for Mr. Hill, 92 ; Jos. E. Brown, 92 ; Stephens, 1. For Mr. Miller, 96 ; Mr. Blodgett, 72 ; Mr. Seward, 12 ; Mr. Akerman, 7.

In the above statement are included the names of Messrs. Nunn, Taliaferro and Donaldson, of the house, and Messrs. Winn, Anderson and Collier, of the senate, who took the oath required by the late act of Congress, and were clearly

eligible under said act, but were expelled by military order; also, Messrs. Penland and Drake, who are clearly eligible, and were prevented from taking the oath by threats and intimidation, as is shown by the affidavit of Penland and the statement of Drake, heretofore submitted. Messrs. Anderson, Drake, Penland, Nunn, Taliaferro and Donaldson voted for Mr. Hill. These would increase his vote to 98, making his majority 5. If the said act had been carried out in good faith, these men would have qualified, and would now be legal members of the legislature. If you shall be of the opinion that the men expelled by military order were not entitled to take the oath, it can be shown that as many persons were prevented from taking the oath by the same means used to prevent Messrs. Drake and Penland from doing so. In other words, whatever means you adopt to test the eligibility of the members of the legislature, it will appear that both Hill and Miller had a majority of the votes of the members entitled to seats in that body.

We have shown that the Georgia legislature was organized in July, 1868, in accordance with the law of Congress and the instructions of General Meade; that the Governor was inaugurated, and United States Senators were elected according to law.

Hon. Joshua Hill received 110 votes out of 206 votes cast, giving him 14 majority; Hon. H. V. M. Miller received 117 votes out of 209 votes cast, giving him a majority of 25.

The only test of eligibility required of members of the legislature under the reconstruction acts, except that prescribed by the State constitution, was, that they should not be disqualified under the 3d section of the 14th amendment to the Constitution of the United States. Each house of the General Assembly appointed a committee to inquire into the eligibility of its members, and by resolution declared that all were eligible.

The committees made majority and minority reports.* In

* Senate Journal, 1868, pages 33, 34, and 35.

the senate, a majority of the committee reported none ineligible. This report was signed by three Democrats and two Republicans, and was adopted by the senate, in which there was a large majority of Republicans. Mr. Adkins, a Republican member of the committee, reported two members ineligible, Messrs. Collier and Jones, but Mr. Jones had been relieved of his disabilities. Mr. Higbee, also a Republican member of the committee, reported Messrs. Richardson, McCutchen, Griffin, Collier, Jones, McWhorter, Moore, Harris, and Graham—nine—ineligible; Messrs. Richardson, Griffin, Jones, McWhorter, and Harris—five—had been relieved of their disabilities.

*In the house, the Democratic members of the committee reported all eligible. Mr. Lee, a Republican, reported two men ineligible—Messrs. Nunn and McCullough. Messrs. O'Neal and Bryant, also Republican members of the committee, reported three men ineligible—Messrs. Nunn, McCullough, and Long. If we admit that all were ineligible who were so reported by any member of the committee—there were in the senate four ineligible members, and in the house three; that would reduce the total vote to 199. Five of these men, Messrs. McCutchen, Moore, Long, McCullough, and Nunn, voted for Mr. Hill; Mr. Collier did not vote; and Mr. Graham voted for Mr. Styles—Mr. Hill's vote would be reduced to 105, giving him a majority over all of 11. Messrs. Graham, McCutchen, Moore, Long, McCullough and Nunn voted for Mr. Miller. These, deducted from his entire vote, leave 111, making his majority 19.

N. L. ANGIER,
J. E. BRYANT,
for Georgia Delegation.

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* House Journal, pages 35, 36, 37, 38, 39, and 40.

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